

The following federal information relates to the Every Student Succeeds Act (ESSA), the newest amendment to the Elementary and Secondary Education Act (ESEA), which replaces the previous No Child Left Behind amendment. Please summarize this information as if you are responding to a request from a state legislator. Limit your summary to one page.

C-Language Instruction Educational Programs (LIEP)

C-1. What are the requirements for LIEPs?

Title III of the ESEA (Elementary and Secondary Education Act) replaces the expectation in the ESEA, as amended by NCLB (No Child Left Behind), that LIEPs be “scientifically based” with a new expectation – that LIEPs be “effective.”

Specifically, for States:

- A State may use Title III funds to provide technical assistance to LEAs [local education agencies, i.e. school districts] on identifying and implementing *effective* language instruction educational programs and curricula for teaching ELs [English learners, formerly referred to as English language learners (ELL) or English as a Second Language (ESL) students]; and
- A State must ensure that EL formula subgrants to LEAs are of sufficient size and scope to allow the LEAs to carry out *effective* language instruction educational programs for ELs (ESEA Section 3113(b)(3)(D)).

Similarly, an LEA must:

- Use Title III funds for *effective* approaches and methodologies for teaching ELs (ESEA Section 3115(a));
- Increase the English proficiency of ELs by providing *effective* language instruction educational programs that meet the needs of ELs and demonstrate success in increasing (A) English language proficiency; and (B) student academic achievement (ESEA Section 3115(c)(1));
- Use Title III funds in ways that build its capacity to continue to offer *effective* language instruction educational programs that assist English learners in meeting challenging State academic standards (ESEA Section 3113(b)(3)(E)); and
- Include in its local plans for a Title III subgrant a description of the *effective* programs and activities that will be provided, including language instruction educational programs (ESEA Section 3116(b)(1)).

Under Title VI and the EEOA LEAs must provide a language assistance program that is effective—educationally sound and proven successful. For additional information about LEAs’ obligations in this area, see the English Learner Students and Limited English Proficient Parents DCL referenced in A-3 above. Please see A-2 and A-3 for additional information about LEAs’ obligation to use Title III to supplement, not supplant, funds used to meet this civil rights obligation.

C-3. What criteria should States and LEAs receiving Title III funds use to ensure that ELs are provided “effective” LIEPs, as required under the ESEA?

In addition to the requirements outlined in question C-1 above, we encourage States and LEAs that receive Title III funds to adopt criteria to ensure that LIEPs are effective in helping ELs achieve English language proficiency, as well as helping them meet the State’s challenging academic standards. At a minimum, LIEPs should be outcomes-driven; an LIEP should demonstrably result in improved English language proficiency and academic achievement for ELs to be considered “effective” for purposes of the Title III requirements.

Additionally, in analyzing whether an LIEP is effective, States and LEAs should consider whether the LIEP is:

- Driven by data on the unique needs of ELs, including distinct subgroups of ELs as discussed in this guidance, and responsive to student performance data as part of continuous improvement;
- Aligned with local needs identified through timely and meaningful consultation with a broad range of stakeholders and examination of relevant data;
- Based on rigorous, relevant research on what instructional approaches are proven effective for promoting English language proficiency and high academic achievement;
- Accompanied by a robust plan for implementation that may include, for example, a logic model or theory of action; well-defined, measurable goals; clearly outlined roles and responsibilities for people involved; and implementation timelines;
- Examined through performance monitoring, and if appropriate, evaluation, in order to make changes to improve LIEP implementation and effectiveness; and
- Included as part of a systemic approach to serving ELs, based on a State’s English language proficiency standards and its academic content standards.

As stated in A-3, under Title VI and the EEOA LEAs must provide a language assistance program that is effective—educationally sound and proven successful. For additional information about LEAs’ obligations in this area, see the DCL referenced in A-3. As stated in A-3 above, Title III funds may not be used to meet these civil rights requirements; such usage is prohibited by the supplement-not-supplant provision in Title III. Title III funds may, however, be used to supplement – that is, to increase the effectiveness of a language assistance program that already satisfies these civil rights obligations.

C-4. Are States or LEAs required to implement any particular type of LIEP?

No. Consistent with ESEA section 3124, the Department does not recommend any particular curricula, program of instruction, or instructional materials, nor does it prohibit any language instruction educational program used with ELs that is consistent with Title III of the ESEA and other laws, including Title VI and the EEOA. States and LEAs may select any LIEP that is effective, as indicated in C-3 above, and meets its Title VI and EEOA obligations, as indicated in A-3 and C-1 above.

Regardless of the LIEP that a State or LEA chooses to implement, States and LEAs may wish to incorporate methods of supporting home language development. Research on language use in early childhood programs and in elementary school, and on supporting home language development,

including fostering bilingualism, maintaining cultural connections and communication with family members, and the transferability of home language skills to English language acquisition, suggests that systematic and deliberate exposure to English, paired with supporting home language development within high quality educational settings, can result in strong, positive outcomes for children who are non-native English speakers, as well as positive outcomes for native English speakers.

C-5. Must a State conduct monitoring of its LEAs' LIEPs to ensure that they are "effective"? What steps should a State take to assist an LEA if its LIEP is not effective?

The ESEA now requires that each State both monitor LEAs in implementing Title III and take steps "to further assist eligible entities if the strategies funded under this subpart are not effective, such as providing technical assistance and modifying such strategies." (ESEA Section 3113(b)(8)). In order to determine whether the LEA's strategies are, in fact, effective, a State should establish and disseminate uniform, clear statewide guidelines or benchmarks for demonstrating effectiveness. For example, a State may choose to use the State-level indicator for progress in achieving English language proficiency established under Title I, Part A (ESEA Section 1111(c)(4)(B)(iv)), and the progress current and former ELs are making in achieving proficiency on the academic content assessments, to determine whether or not an LEA's LIEP is effective.

If multi-year student performance data (including data that are required to be reported under Title III) demonstrate that ELs in a particular LEA are not making sufficient annual progress towards English language proficiency and gains in academic achievement, the State should work with the LEA to revise its LIEP and strategies for instructing ELs using evidence and research to guide its decision-making.

As noted in A-3, Title VI and the EEOA independently require each State and LEA to evaluate the effectiveness of an LEA's language assistance program to ensure that EL students acquire English proficiency and that language programs are reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time. In reviewing LEA Title III plans, SEAs should ensure that LIEPs are effective and that they are being implemented consistent with a State's uniform guidelines or benchmarks. (ESEA 3116)

Under Title VI and the EEOA, meaningful program evaluations include longitudinal data on EL students, former EL students, and never-EL students. ["Never-EL" students are those who have never been identified as EL or never enrolled in an EL program.]